

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SCOTT LYKENS,

Plaintiff,

v.

COLETTE S. PETERS, in her
official capacity as Director of the
Bureau of Prisons, and in her
individual capacity, et al.,

Defendants.

CIVIL ACTION NO. 4:24-cv-00729

(SAPORITO, J.)

ORDER

AND NOW, this 28th day of March, 2025, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The report and recommendation of Judge Bloom (Doc. 26) is **ADOPTED in part and NOT ADOPTED in part**—the report is **ADOPTED** to the extent it recommends dismissal of the plaintiff’s FTCA claims, and it is **NOT ADOPTED** to the extent it recommends dismissal of the remainder of the plaintiff’s claims;

2. In light of our dismissal of a prior action by this plaintiff, *Lykens v. Peters*, No. 4:24-cv-01385 (M.D. Pa. dismissed Feb. 4, 2025), for lack of subject matter jurisdiction under the very same factual

circumstances, the plaintiff's FTCA claims in this action are **DISMISSED** for lack of subject matter jurisdiction under the doctrine of collateral estoppel, or issue preclusion; and

3. This matter is **REMANDED** to the magistrate judge for further proceedings with respect to the plaintiff's remaining claims and the defendants' motion to dismiss.

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States District Judge